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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,320	06/21/2005	Karl Kerzog	02894-717US1 / 06732	1312
26161	7590	04/10/2007	EXAMINER	
FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			ANGLO, LHEIREN MAE ACOSTA	
		ART UNIT	PAPER NUMBER	
		2832		
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	04/10/2007	PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/540,320	KERZOG ET AL.
	Examiner Lheiren Mae A. Anglo	Art Unit 2832
<b>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</b>		
<b>Period for Reply</b>		
<b>A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.</b>		
<ul style="list-style-type: none"> <li>- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.</li> <li>- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.</li> <li>- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).</li> <li>- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</li> </ul>		
<b>Status</b>		
<p>1)<input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>16 January 2007</u>.</p> <p>2a)<input type="checkbox"/> This action is FINAL.                            2b)<input checked="" type="checkbox"/> This action is non-final.</p> <p>3)<input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i>, 1935 C.D. 11, 453 O.G. 213.</p>		
<b>Disposition of Claims</b>		
<p>4)<input checked="" type="checkbox"/> Claim(s) <u>1-29</u> is/are pending in the application.</p> <p>4a) Of the above claim(s) _____ is/are withdrawn from consideration.</p> <p>5)<input type="checkbox"/> Claim(s) _____ is/are allowed.</p> <p>6)<input checked="" type="checkbox"/> Claim(s) <u>1,2,4-9,13-16,18-20,22,23,28 and 29</u> is/are rejected.</p> <p>7)<input checked="" type="checkbox"/> Claim(s) <u>3,10-12,17,21 and 24-27</u> is/are objected to.</p> <p>8)<input type="checkbox"/> Claim(s) _____ are subject to restriction and/or election requirement.</p>		
<b>Application Papers</b>		
<p>9)<input type="checkbox"/> The specification is objected to by the Examiner.</p> <p>10)<input checked="" type="checkbox"/> The drawing(s) filed on <u>21 June 2005</u> is/are: a)<input type="checkbox"/> accepted or b)<input checked="" type="checkbox"/> objected to by the Examiner.</p> <p style="margin-left: 20px;">Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).</p> <p style="margin-left: 20px;">Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).</p> <p>11)<input type="checkbox"/> The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.</p>		
<b>Priority under 35 U.S.C. § 119</b>		
<p>12)<input checked="" type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</p> <p>a)<input checked="" type="checkbox"/> All    b)<input type="checkbox"/> Some * c)<input type="checkbox"/> None of:</p> <p style="margin-left: 20px;">1.<input checked="" type="checkbox"/> Certified copies of the priority documents have been received.</p> <p style="margin-left: 20px;">2.<input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____.</p> <p style="margin-left: 20px;">3.<input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</p>		
<p>* See the attached detailed Office action for a list of the certified copies not received.</p>		
<b>Attachment(s)</b>		
<p>1)<input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2)<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3)<input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>20050621</u>.</p> <p>4)<input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.</p> <p>5)<input type="checkbox"/> Notice of Informal Patent Application</p> <p>6)<input type="checkbox"/> Other: _____.</p>		

**DETAILED ACTION**

***Response to Arguments***

Applicant's arguments, filed 1/10/07, with respect to the restriction have been fully considered and are persuasive. The restriction has been withdrawn.

***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the edge section of the membrane of claims 10-12 and 24 and the radial projection of claim 13 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New

Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

Claim 21 is objected to because of the following informalities: the dependency of claim 21 should be changed from claim 2 to claim 20 that teaches the at least one elastic bar. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1,2,4-8,13-16,18-20,28 and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Katsumi [US 6,369,341].

In regard to claim 1, Katsumi teaches in [Figs. 4 and 6-8] an electrical appliance housing, comprising: a hard plastic housing body [1] defining a mechanism-activation aperture [1b]; a soft plastic membrane [21,22,25] configured to seal the aperture; a hard

plastic base [23] bonded to the membrane; and an actuating button [20] associated with the membrane wherein the actuating button is fastened to the hard plastic base.

In regard to claim 2, Katsumi teaches in [Fig. 8] that at least one elastic bar [23b] secures the base to the housing body.

In regard to claim 4, Katsumi teaches in [Fig. 6 and col. 6, lines 44-46] that the membrane defines a recess, at least on outer side of the base penetrating the membrane through the recess.

In regard to claim 5, Katsumi teaches in [Fig. 6] that at least one elastic bar [25b] lies on an inner side of the membrane.

In regard to claim 6, Katsumi teaches in [Fig. 6] that the actuating button protrudes beyond the membrane towards an outer side of the electrical appliance housing.

In regard to claim 7, Katsumi teaches in [Fig. 6] that the actuating button and the base are joined together.

In regard to claim 8, Katsumi teaches in [Figs. 6 and 7] that the base defines a blind-end bore [23a] configured to receive a neck [20a] of the actuating button.

In regard to claim 13, Katsumi teaches in [Fig. 8] that the base comprises a radial projection [23b] extending toward its inner side portion.

In regard to claim 14, Katsumi teaches in [Fig. 6] that the housing body is bonded to the membrane.

In regard to claim 15, Katsumi teaches in [Fig. 6] that at least one protruding membrane support member [25b] is fastened to the base.

In regard to claim 16, Katsumi teaches in [Fig. 8] that the at least one elastic bar [23b] is shaped in an arcuate or undulating configuration.

In regard to claim 18, Katsumi teaches in [Fig. 6] that the actuating button is positioned on the membrane.

In regard to claim 19, Katsumi teaches in [Fig. 7] that the actuating button is positioned in the membrane.

In regard to claim 20, Katsumi teaches in [Fig. 10] that at least one elastic bar [see attached figure] is integrally molded with the housing body.

In regard to claim 28, the method of forming the device is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight.

In regard to claim 29, Katsumi teaches in [Figs. 4 and 6-8] an electrical appliance housing, comprising: a housing body [1] defining a switch-activation aperture [1b]; a rigid base [23] positioned within the switch-activation aperture; a flexible membrane [21,22,25] extending across the aperture and cooperating with the housing body and the base to seal the aperture in a substantially liquid-tight manner, with the base exposed on an inner side of the membrane; and a manually manipulable actuating button [20] secured to the base and exposed on an outer side of the membrane, such that manual manipulation of the button resiliently flexes the membrane and moves the base.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Katsumi [US 6,369,341] in view of Davies et al. [Davies hereinafter, US 6,779,216]. Katsumi teaches in [Fig. 2] that the actuating button is integrally molded onto the base. Katsumi also teaches in [col. 4, line 48] that the button is made from plastic but does not teach that the base is made from plastic (no material homogeneity). Davies teaches in [Figs. 1a and 1b and col. 3, lines 2+] that the base [1b] is made from plastic. It would have been obvious to one of ordinary skill in the art at the time of the invention to also provide a plastic base for easier manufacturing.

Claims 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katsumi [US 6,369,341] in view of Buchan et al. [Buchan hereinafter, US 6,064,019].

In regard to claim 22, Katsumi teaches in [Fig. 7] a neck [20a]. Katsumi does not teach that the neck comprises at least one radial rib. Buchan teaches in [Fig. 2] that the neck [34] comprises at least one radial rib [22]. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a radial rib for secure attachment of the button to the housing.

In regard to claim 23, Katsumi teaches in [Fig. 7] a neck [20a]. Katsumi does not teach that the neck comprises at least one radial bead. Buchan teaches in [Fig. 2] that the neck [34] comprises at least one radial bead [22]. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a radial rib for secure attachment of the button to the housing.

***Allowable Subject Matter***

Claims 3,10-12,17,21 and 24-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In regard to claim 3, the references do not teach that the base is free of through-holes.

In regard to claim 10, the references do not teach that the membrane comprises an edge section that encloses the base and projects beyond the base towards an outer side of the electrical appliance housing. Claims 11, 12 and 24-26 are either directly or indirectly dependent on claim 10.

In regard to claim 17, the references do not teach that the base is free from penetration by the actuating button.

In regard to claim 21, the references do not teach that the at least one protruding membrane support member is fastened to the at least one elastic bar.

In regard to claim 27, the references do not teach that the radial projection comprises a circumferential shoulder.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lheiren Mae A. Anglo whose telephone number is (571) 272-2730. The examiner can normally be reached on Monday to Friday 8:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on (571) 272-1990. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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## FIG. 10

